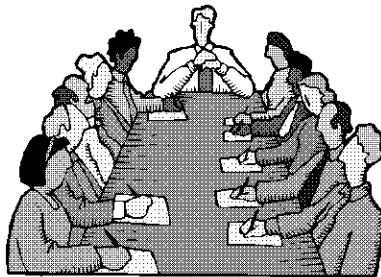


INTERVIEWING GUIDELINES



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GUIDELINES FOR INTERVIEWING

Pre-Interview (Preparation)

1. **Review the job description** and update if necessary. Identify specific area of performance to decide what particular skills and/or traits the candidate should possess in order to be successful.
 - A. Requirements
 - B. Qualifications
 - C. Specific responsibilities of the job
2. **Read all relevant information** involved to develop relative and clarifying questions as needed. For example, has the applicant held a similar position in the past or received special training? See page 3 for reminders of what to look for on applications.
 - A. Cover letter
 - B. Application
 - C. Resume
 - D. Other
3. **Make a list of interview questions from the job description and relevant documentation** that will help determine the information you need in order to make a decision. Ask the same questions of each applicant so that you can fairly compare and evaluate each applicant. See page 15 for list of legal questions.
4. **Determine a time and appropriate location for the interview.**
 - A. Private area free from noise and interruptions and accessible to applicants with disabilities. See page 16 for ADA requirements.
 - B. Comfortable environment (not excessively hot or cold) and free from other distractions.
5. **Plan interview format and method of documentation** to assist in more accurately evaluating individuals and to guard against unfair hiring practice. See pages 6-10 for suggestions.
6. **Remember Raters Errors** and refresh your memory to avoid making them. A few of the most common include “Halo” and “Recency”. See page 2 for more.

Rater Error or Bias in Rating

Distributional Error: the result of a rater's tendency to use only part of the rating scale.

1. **Leniency error** occurs when a rater assigns high (lenient) ratings to all applicants.
2. **Severity error** occurs when a rater assigns low (strict) ratings to all applicants.
3. **Central tendency** reflects rater's tendency to use the middle of the scale. The rater views everyone as "average"; no one is superior or inferior. Such ratings are not very useful because all applicants are described as about the same.

Halo: rater uses knowledge of one item to rate another. If one person excels in some behavior, the rater assumes he or she will excel in other behaviors.

Recency error: rater bases an evaluation on a memory of the person's most recent behavior.

Similar to Me: rater judges those who are more similar to themselves higher than those who are not.

Contrast: rater compares individuals with one another instead of against an objective standard.

Screening Application Forms

BE SURE TO ADDRESS ALL THESE ISSUES IN THE INTERVIEW

1. Is the application complete? Anything missing?
2. Are most/some/none of the essential job requirements evident from the applications?
Are most/some/none preferred?
3. Is prior experience from similar environment? How is it different or similar?
4. Is past experience specialized (narrow) or generalized (broad)?
 - size of employer
 - size of team responsible for job
5. Are there “gaps” in employment? Why? Years, not months listed?
6. If past wages are indicated, are they in the range of what the job in question will pay?
7. Have you chosen an “icebreaker” for use in the interview?

The Interview

1. **Establish rapport**
 - A. Introduce yourself. Note applicant's name and use it.
 - B. Be friendly - "break the ice" and make the applicant feel at ease.
 - C. Let the applicant know your position and how it relates to the position for which he or she is interviewing.
2. **Explain purpose of the interview** and set agenda.
 - A. Explain whether the interview is preliminary or if there is a specific job to be filled.
 - B. If the applicant is to be interviewed by another person, let him or her know.
3. **Move from informal to formal interview** by briefly explaining goals of the organization (e.g., Customer Service).
4. **Specify requirements of the job.** Allow applicant to read the job description and ask questions. This may prompt applicant to ask specific questions that may assist with a "best fit" decision.
5. **Ask the job-related questions you developed** before the interview to gather the predictive information you need to make a decision. **Take Notes!** Let applicant know your intent to gather as much information as possible on his or her skill level and suitability for the job.
6. **Give positive feedback** whenever possible to keep the applicant confident and the interview moving.
7. **Wrap-up the interview.** Be sure to thank the applicant for his or her interest.
 - A. Ask the applicant for any questions he or she may have.
 - B. For serious candidates, discuss salary, time schedules, on-call assignments, etc. Tour work area.
 - C. Let the applicant know when a decision is expected to be made and how he or she will be notified.

What Else Might You (The Interviewer) Look For?

1. **Non-verbal communication skills** such as good posture, eye contact, tone of voice – can be just as crucial as content of conversation.
 - Pleasant and relaxed
 - Appears to be following what is being said
 - Actively involved interview and alert
2. **Appearance** is important. Appropriate attire.
3. **Does the applicant have specific ideas or goals in mind?** This can be determined by the nature of direct questioning by the applicant. Does the applicant have an idea what the work might entail?
4. **Has applicant prepared?** Evidence that applicant has researched the organization and was prepared with well-thought-out questions might indicate a high level of interest beyond just “needing to get any job”.
5. **Was applicant focused?** Gave details that were relevant without digressing from the line of questioning or repeating what had been said before?
6. **Was applicant on time?** Arrived 5 minutes early. This may indicate attention to detail, an ability to plan ahead and a good sense of responsibility.
8. **Do not automatically assume** that a physically challenged applicant needs assistance. See page 19 for more information.

The Interview Format

It is a good idea to have a fairly structured format for interviewing applicants to help assure consistency and comparability of your information on each candidate.

A structured format will also be helpful in maintaining control of the interview.

You should be able to apply the same method of questioning to all applicants as you probe for the “Who, What, Where, Why and How” answers through open-ended interviewing questions.

Some examples of open-ended questions:

“What would your previous supervisor tell us about your work?”

“What skills would you bring to this job?”

“What interests you most about this job?”

“When were you last responsible for doing this kind of work?”

Sample Interview Evaluation Form

Applicant's Name: _____

Interview Date: _____

Position Applied For: _____

Keeping in mind the position for which the applicant is being considered, evaluate him/her in the following areas:

	Poor	Fair	Average	Good	Excellent
Communication					
Appearance					
Self-confidence/ Poise					
Education (Technical)					
Work Experience					
Attitude					
Overall Evaluation					

Comments: _____

Recommended for Employment: _____

Signature: _____

Date: _____

Sample Interview Evaluation Form

Applicant's Name: _____

Interview Date: _____

Position Applied For: _____

	0	1	2	3	4	Notes
Personal appearance (grooming and dress)						
Punctuality						
Congruency of personal philosophy with organizational philosophy						
Self-knowledge of strengths and weaknesses						
Use of effective communication techniques (paraphrasing, clarity and conciseness, interrupting, sense of humor, seeking information, etc.)						
Nonverbal communication (posture, facial expression, body language, smiles, etc.)						
Congruency of leadership/management style with that of organization (autocratic, participative laissez-faire, etc.)						
Ability to problem solve (responses to hypothetical situations, analyzing, synthesizing, etc.)						
Applicability of prior experiences to responsibilities of available position (budgeting, staffing, planning, policy development, etc.)						

Unacceptable Candidate
0-12

Acceptable Candidate
13-24

Superior Candidate
25-36

Total Score: _____

Recommended for Employment: _____

Comments: _____

Signature: _____

Date: _____

Sample Interview Rating Tool

Rating Categories

- I. Documented in Records: personnel folder references, time cards, transcripts, certificates, etc.
 - A. Additional college credits/courses (transcripts, etc.)
 - B. Continuing education (certificates, folders, etc.)
 - C. Proficiencies/references (folders, mail-ins, etc.)
 - D. Special accomplishments in nursing (evidence of publications, relevant certification, awards, etc.)

- II. Clinical: obtained from interview and available records
 - A. Experience
 - 1. Type
 - a. Major clinical area (focus)
 - 1) Time (recency of experience)
 - 2) Complexity of performance
 - b. Relevant clinical area (focus)
 - 1) Time
 - B. Knowledge/skills
 - 1. Patient teaching

- III. Administrative: obtained from interview and available records
 - A. Experience
 - 1. Type
 - a. Time (recency of experience)
 - 2. Complexity
 - B. Knowledge/skills

- IV. Research: obtained from interview, personnel folders, committee minutes, resumes, etc.
 - A. Experience
 - 1. Time (recency)
 - 2. Initiation of projects
 - 3. Participation in projects
 - B. Use
 - 1. Communicating findings to others (facilitating use)
 - 2. Use in practice

V. Education: obtained from interview and available records

- A. Experience
 - 1. Type
 - a. Major responsibility
 - 1) Time (recency of experience)
 - 2) Complexity of performance
 - b. Related contributing experience
 - 3) Time (recency)
- B. Knowledge/skills

VI. Significant Factors: Obtained from interview, minutes, memo for position application, etc.

- A. Experience
 - 1. Type
 - a. Time (recency of experience)
 - 2. Complexity
- B. Knowledge/skills
- C. Philosophy
- D. Communication skills
 - 1. Verbal
 - 2. Nonverbal
 - 3. Written
- E. Interpersonal skills
- F. Leadership skills
- G. Goals in relationship to position
- H. Committee participation
- I. Studies (clinical, audits)
- J. Professional image
 - 1. Grooming
 - 2. Composure/poise
 - 3. Ability to sell self
 - 4. Responsible attitude
 - 5. Realistic appraisal of abilities
 - 6. Willingness to take action
 - 7. Willingness to accept additional job responsibility
 - 8. Sufficient confidence in assets to discuss short comings
 - 9. Evidence of being self-starter
 - 10. Follows through on projects assigned and initiated
 - 11. Willing to share credit for accomplishments with others

Post Interview (Analysis)

1. **Evaluate the applicant immediately** after the interview. You might ask yourself:
 - A. Have I attempted to avoid rater error?
 - B. Have my questions been consistent and relevant?
 - C. Do I have the predictive information needed to make a decision?
2. **Evaluate that “gut” feeling** – is it “gut” or could it be **rater error**? Is it really enough upon which to base a decision?
3. **Use a standardized rating form** which provides a framework for assessment. See sample forms starting on page 7.
4. **Check references.** Remember that references are the only as good as the honesty with which they are supplied.
5. **Rate Yourself as an Interviewer.** You may find the self-evaluation form on the next page helpful.

Self-Test Worksheet

Fill out this self-test worksheet after your next few interviews to rate yourself as an interviewer.

- | | | | |
|----|--|-----|----|
| 1. | Was I prepared for the interview?
(Describe steps to prepare for an interview session) | Yes | No |
| | _____ | | |
| | _____ | | |
| 2. | Did I put the applicant at ease?
(Give two examples of effective “ice-breakers”) | Yes | No |
| | _____ | | |
| | _____ | | |
| 3. | Was I successful in gaining detailed information from probing and open-ended questions? | Yes | No |
| 4. | Did I ask legal and non-offensive questions of each applicant? | Yes | No |
| 5. | Give an example of an open-ended, legal interview question beginning with each of the following: | | |
| | What _____ | | |
| | When _____ | | |
| | Where _____ | | |
| | Why _____ | | |
| | Who _____ | | |
| | How _____ | | |
| 6. | How did I handle silence during the interview? | | |
| | _____ | | |
| 7. | Did I document the interview in a way that allows fair and consistent evaluation and discussion of candidate | Yes | No |

INFORMATION GATHERING

Questioning Techniques

1. **Unstructured (open-ended) questions**

These cannot be answered simply “yes” or “no.” Unstructured questions allow more latitude for the applicant to convey his or her opinions and at the same time to demonstrate important oral communication skills. Questions beginning with “who,” “what,” “when,” “why” and “how” will elicit an unstructured answer.

Consider such “lead ins” as:

- “Tell me about...” “I’d be interested in knowing...”
“Tell me more about...” “Would you please explain...”
“Perhaps you could clarify...” “I’m not sure I understand...”
“Has there been any opportunity to...”

2. **Structured questions**

This line of questioning places the applicant in a position where he or she may choose to elaborate or not.

- Q: “Did you like your last job?”
A: “Yes”

3. **Unstructured/structured Combo**

Clarification of an applicant’s answer or isolation of some particular fact may be obtained by combining these two techniques. Just follow up on a structured question with an unstructured one.

- Q: “Did you like your last job?”
A: “Yes”
Q: “What did you most like about it?”
A: “Well...”

4. **Situational questions**

Situational questions are often excellent for obtaining predictor information. Use the job description to formulate your own pertinent open-ended questions. An example might be: “You work in Housing. Someone asks you the operating hours of a dining commons. How would you respond?” A simple “I don’t know but I will find out for you” might be a right answer.

5. **Use of Silence**

Allow a brief pause between questions to allow an applicant to elaborate on a response and to collect their thoughts before continuing on.

Sample Unstructured (Open Ended) Questions

1. I'd like to discuss your technical experience. Tell me about your experience in the technical area.
2. What are your major responsibilities on the job?
3. In your job, what duties do you spend most of your time on?
- D. How do you feel about the progress made with your organization?
- E. In what ways do you feel your job developed you to take on greater responsibility?
- F. What are some of the reasons you have for leaving your job?
- G. What are some of the things you particularly like about you job?
- H. Most jobs have pluses and minuses. What are some of the minuses in your job?
- I. Do you consider your progress on the job representative of your ability? Why?
- J. What are some of the things your supervisor did that you particularly liked or disliked?
- K. How did your manager rate your job performance?
- L. What did your manger feel you did particularly well? What were major criticisms of your work? How did you feel about these criticisms?
- M. What kind of people do you like working with? What did of people do you find most difficult to work with?
- N. What are some of the things in a job that are important to you? Why?
- O. What are some of the things you would like to avoid in a job? Why?
- P. How do you feel your last organization treated its employees?

Chart of Legal Questions

The following is a quick reference detailing and potentially discriminating interview questions.

<u>TOPIC</u>	<u>LEGAL QUESTIONS</u>	<u>DISCRIMATORY QUESTIONS</u>
Family Status	Do you have any responsibilities that conflict with the job attendance or travel requirements? <i>Must be asked of all applicants.</i>	Are you married? What is your spouse's name? What is your maiden name? Do you have any children? Are you pregnant? What are your child-care arrangements?
Race	None.	What is your race?
Religion	None. <i>You may inquire about availability for weekend work.</i>	What is your religion? What church do you attend? What are your religious holidays?
Residence	What is your address?	Do you own or rent your home? Who resides with you?
Sex	None.	Are you male or female?
Age	If hired, can you offer proof that you are at least 18 years of age?	How old are you? What is your birthday?
Arrests or Convictions of a Crime	Have you ever been convicted of a crime? <i>You must state that a conviction will be considered only as it relates to fitness to perform the job being sought.</i>	Have you ever been arrested?
Citizenship or Nationality	Can you show proof of your eligibility to work the U.S.? Are you fluent in any languages other than English? <i>You may ask the second question only as it relates to the job being sought.</i>	Are you a U.S. citizen? Where were you born?
Disability	Are you able to perform the essential functions with or without reasonable accommodation? <i>Show the applicant the position description so he or she can give an informed answer.</i>	Are you disabled? What is the nature or severity of your disability?

INTERVIEWING TIPS

Handling Problem Applicants

Part of the control problem of an interview is handling problem applicants – the talkative, the glib, the egomaniacs, the point-dodgers, the evaders and the interviewers. Below are some suggestions to assist in maintaining control when interviewing a problem applicant.

1. TALKATIVE

The talkative applicant goes off on a tangent:

Interviewer: “Mary, what special assignments did you perform for your supervisor?”

Applicant: “I purchased office supplies and equipment. I bought furniture for our offices. It was walnut-grained and was especially functional because you could choose the pieces you wanted, etc., etc., etc.”

If this interview is to come to a successful conclusion before nightfall, the interviewer will have to assume control. This can be done by frequent interruptions with key questions. When the applicant digresses, the interviewer waits for him/her to pause for breath and then asks a specific question to bring him/her back on the track.

2. GLIB

The glib applicant is so well prepared for the interview that he or she knows all the answers to your questions before they are asked. This applicant is often a superficial candidate, with knowledge of the language of the job, but not the experience or know-how to perform. To determine if the applicant is as good as he or she sounds, ask more probing questions. Probe deeper into the specifications of the job: “How did you accomplish aspects of the work?” “What was the result of your approach to this?” “What did it cost?” “How much profit ensued?”

3. EGO

The ego applicant may start the interview with the statement, “I’m the person for the job.” When questioned about specifics, he or she may say, “I’ve just been offered a job with your competitor.” He or she may evade questions by bragging about “accomplishments” which are usually vague and in conflict with each other. A great deal of conflicting information usually comes out of this interview, and this applicant is usually not worth considering seriously.

4. POINT EVADER

The point evader operates this way:

Interviewer: “On what type an dollar level purchase did you have the authority to make final decisions?”

Applicant: “I know a great deal about tires.”

Interviewer: “Did you but all the tires for your firm?”

Applicant: “I recommended which lines to buy.”

Interviewer: “Who actually made the deal?”

Applicant: “My boss.”

5. INTERVIEWER

The interviewer is the applicant who tries to turn the situation around and interview you.

Interviewer: “Can you give me some details of the duties in your current job?”

Applicant: “I’d be glad to, but first tell me about your opening.”

Interviewer: “I appreciate your interest in our position, but first I would like to know more about you. If you meet the qualifications, we can discuss the job further.”

Avoiding Unfair Discrimination

Be aware that the Equal Employment Opportunity (EEO) laws and regulations prohibit unfair discrimination against applicants on the basis of age, race, color, religion, sex, disability or national origin.

Questions must be legal and should not offend

See page 15.

1. Use the open-ended questions discussed on pages 13 & 14 to encourage as much information as possible from the applicant
2. Use the job-specific, situational questioning to add “construct validity” to the interviewing process.
3. **There are questions deemed illegal that many employers are still asking today.** Start to rethink your own methods to avoid asking them in the future -- please see page 15.
4. **Whenever possible have more than one person interview** all applicants and use a consistent interview format.

Use of all these methods described may help prevent charges of unfair discrimination.

Americans with Disabilities Act (ADA)
July 26, 1994

1. **This law requires** that employers no longer screen out individuals with disabilities during the hiring process.
2. **Organizations may no longer conduct pre-employment medical screenings** (except drug testing).
3. **Organizations may no longer make pre-employment inquiries** into the nature of the applicant's disability.
4. **Employers must become aware of physical barriers** in the work environment and should provide current and relevant job descriptions.

Handling the interviewing process

1. Make the interview accessible to people with disabilities.
2. Do not automatically assume that the applicant needs assistance.
3. Ask all the questions in a straightforward manner. For example, "The job calls for delivering ten pounds of mail from one department to another. Can you do that?"
4. Do not ask about:
 - The nature of a disability
 - The severity of a disability
 - The conditions causing a disability
 - Any prognosis or exception regarding a disability

BASIC REQUIREMENTS OF LAWS AND FEDERAL AGENCY REGULATIONS THAT AFFECT THE HIRING PROCESS

Equal Employment Opportunity Commission's (EEOC) Uniform Guidelines in Employee Procedures (Federal Register 8/25/78)

Anyone involved in the interviewing process should have at least a basic knowledge of the EEOC's Uniform Guidelines in Employee Selection Procedures. In brief, the overriding premise of the Guidelines is that use of any employee selection device that results in the exclusion of a disproportionate number of women or minority applicants may be unlawful unless use of the device can be shown to be job related or, in other words, a valid measure of performance on the job.

The Guidelines apply to any selection procedure used to make an employment decision. Thus you must make every effort to ensure that all employment selection devices used (i.e., interviews, scored application forms, individual questions on an application form, paper and pencil test, etc.) are directly related to successful performance of the job in question. If the use of any device or question adversely affects the hiring of women or minorities it can result in a charge of discrimination unless that device or question is validated in accordance with the Guidelines or eliminated.

Civil Rights Laws

In addition To the Uniform Guidelines on the Employee Selection Procedures, numerous civil rights laws and regulations governing employment practices have been promulgated. Each of the laws mentioned are implemented through regulations adopted by the federal administrative agencies charged with the responsibility for enforcing the law.

1. Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972):

Prohibits discrimination because of race, color, religion, sex or national origin, in any term, condition or privileges of employment (including hiring, firing, promotion and compensation) in all institutions with 15 or more employees.

The U.S. Equal Employment Opportunity Commission (EEOC) was created to administer Title VII and to assure equal treatment for all employment.

In 1972, Congress amended Title VII, giving EEOC direct access to the courts. As a result, legal actions have increased substantially.

2. Equal Employment Opportunity Act of 1972:

Strengthened the power and expanded the jurisdiction of the Equal Employment Opportunity Commission (EEOC) in the enforcement of the Title VII. As a result, Title VII now covers:

- All private employers of 15 or more persons
- All educational institutions, public and private
- State and local governments
- Public and private employment agencies
- Labor unions with 15 or more members
- Joint labor-management committees for apprenticeship and training

3. Executive Order 11246 (as amended by Executive Orders 11375 and 12085):

Issued by the President in 1965, it requires affirmative action programs by all federal contractors and subcontractors with contracts over \$10,000 and 50 or more employees to develop and implement written programs, which are monitored by an assigned federal compliance agency.

Institutions, which are found out of compliance, may face termination of contracts or could be barred from future federal contacts.

4. Equal Pay Act of 1963:

Requires all employers subject to the Fair Labor Standards Act (FLSA) to provide equal pay for men and women performing similar work.

In 1972 through Title IX of the Education Amendments Act coverage of this act was extended beyond employees covered by FLSA to an estimated 15 million additional executive, administrative and professional employees and to outside sales people.

5. Age Discrimination in Employment Act of 1967:

Prohibits employers of 25 or more persons from discriminating against persons in any area of employment because of age.

6. Title VI of the Civil Rights Act of 1964:

Prohibits discrimination based on race, color or national origin in all programs or activities, which receive federal financial aid.

Revised guidelines in 1973 by 25 federal agencies prohibit discriminatory employment practices which cause discrimination in services provided to program beneficiaries.

7. National Labor Relations Act and Related Laws:

Discrimination on the basis of race, religion or national origin may violate rights arising under these laws.

8. Title IX, Education Amendments Act of 1972:

Extends coverage of the Equal Pay Act; prohibits discrimination on the basis of sex against employees or students of any educational institution receiving federal financial aid.

9. Pregnancy Disability Act (1978 Amendment of Title VII):

States that institutions may not discriminate against workers because of pregnancy, childbirth, or related conditions in any employment policy. Applies to educational institutions.

10. Title VIII of the Civil Rights Act of 1968:

Prohibits discrimination in the sale or rental of housing because of sex, national origin, race, religion or color.

11. Rehabilitation Act of 1973:

Prohibits discrimination on the basis of physical or mental handicap, requires affirmative action for the handicapped and the provision of "reasonable accommodations" for the handicapped.

12. Other Federal Laws:

Employment discrimination has been ruled by courts to be prohibited by the Civil Rights Acts of 1866 and 1870 and the Equal Protection Clause of the 14th Amendment to the Constitution.

13. State Law:

Many state laws prohibit employment discrimination. When EEOC receives discrimination charges, it defers them for a limited time to state agencies with comparable jurisdiction and enforcement sanctions. In Pennsylvania deferrals are made to the Pennsylvania Human Relations Commission. If satisfactory remedies are not achieved, the charges revert to the EEOC for resolution.

Regulatory/Enforcement Agencies

1. Pennsylvania Human Relations Commission (PHRC): Pennsylvania Human Relations Act.
2. Equal Employment Opportunity Commission (EEOC): Title VII.
3. Office of Federal Contract Compliance (OFCCP), U.S. Department of Labor: Executive Order 11234, as amended by Orders 11375 and 12086.
4. Office for Civil Rights (OCR), U.S. Department of Education: Title VI, Title IX, Sections 503 and 504, Age Discrimination Act of 1967.

SPECIAL CONSIDERATIONS IN HIRING

The laws that pertain to interviewing and the selection process are not intended to restrict your ability to choose the most qualified person for a job. They are intended to ensure that employers use criteria that are not discriminatory, but rather relate directly to successful performance of one or more duties required of the person who is chosen for a job.

You should carefully consider the manner in which you ask applicants questions regarding the following subjects, either orally or an application form.

Pregnancy

The U.S. Equal Employment Opportunity Commission (EEOC) has issued guidelines prohibiting employers from using pregnancy in and of itself as a reason for rejecting applicants for employment. Pregnant applicants may only be rejected if the pregnancy actually prevents them from satisfactorily performing the duties of the position involved. You may not reject an applicant merely because she is pregnant.

Example: You are interviewing for a position and find that one of the applicants is pregnant. You may be reluctant to hire her because you know that in a few months she will be off the job due to pregnancy. If the pregnancy would not prevent satisfactory performance of the duties of the job, you must give her full consideration for employment, along with the other referrals, and may not reject her because of pregnancy itself.

Marital Status or Sex

Although it is not unlawful per se to ask an applicant to indicate his or her marital status (including Mr., Mrs., Ms., etc.) or whether they are male or female, such questions are in most cases not job related and therefore irrelevant as pre-employment inquiries. It is wiser to obtain such information separately from the employment application and whenever asked of the applicant, to state that such data will not be used as a basis for an employment decision.

Age

It is unlawful to discriminate in employment due to age. While it is not unlawful to ask an applicant to indicate his or her age during the pre-employment process, it is unwise and unnecessary in most cases, unless age is related to successful performance of the job in question. For example, most employers need to know whether an applicant is old enough to lawfully be hired.

Instead of asking all applicants to note their age, the best and most job-related question would be “Are you over the age of 18.” If you need to know an employee’s age for

health insurance or other reasons, such information can more properly be obtained after they are hired.

If you do ask applicants to indicate their age, you must ask all applicants the question and you should indicate that their answer will not be a factor in deciding who will be hired.

Health and General Physical Requirements

Recently enacted federal legislation has dramatically affected the manner in which employers must view prospective employees who have physical and/or mental impairments. It is no longer appropriate for you to screen out otherwise qualified applicants on the assumption that they will not meet certain physical or mental standards of the job. In order for a physical or mental impairment to be disqualifying, it must severely limit the applicant's capacity to perform activities that are a significant portion of the assignment and are integral to the safe and successful performance of the job. An impairment that meets these criteria and cannot reasonably be accommodated may be considered disqualifying. For example, an epileptic may not be disqualified from consideration for most positions on that basis alone. However, positions requiring work with power-driven machinery or those involving work assignments at dangerous heights, such as in the case of roofers, may be denied an epileptic on the basis of the danger presented to the individual.

It is not unlawful to require applicants for a job to take a medical exam for jobs requiring certain physical abilities (e.g., jobs requiring physical labor), as long as the tests are administered fairly and applied uniformly. For example, you may not require an individual between the ages of 40-70 to take a medical exam if younger applicants are not also required to take it.

Keep in mind, however, that medical exams should only be required when the results will measure ability to perform the duties of the job.

Generally, height and weight requirements are closely scrutinized because they are rarely related to successful job performance have often been used to screen out otherwise qualified female applicants. If such requirements are necessary, they must be uniformly applied to all applicants and must be job related.

Due to the difficulty in defining such concepts as significant and integral, safe and successful performance, and reasonable accommodation, it is strongly suggested that employment decisions relating to physically or mentally impaired applicants be discussed with your personnel and/or affirmative action office.

Police Records

1. Arrest records – without convictions

An arrest without a resulting conviction does not serve as proof that the arrested individual committed an illegal act. Without such proof the arrest is not relevant to that individual's ability or competency to perform a given job. It follows that if it is not a job-related question it should not be asked.

Numerous legal decisions have declared that inquires into arrest records, where no convictions for any such arrests resulted, can never be justified by claims of business necessity. Also, because statistics indicate that minorities are arrested more frequently than others in proportion to their numbers, such inquiries tend to inherently discriminate against minority applicants.

2. Arrest records – with convictions

A conviction may or may not be relevant, depending on the particular job in question. The relevancy of such an inquiry will depend on the circumstances in each case. The crucial question is whether or not the offense relates to performance of the particular job.

For example, if you wished to hire a "chauffeur," you would carefully scrutinize an applicant with a history of traffic violations. If you were hiring an "accountant," you would be wary of an applicant with recent embezzlement convictions. These offenses are job related. However, if the situations were reversed and the applicant with the traffic violations applied for the accountant position and vice versa, it would probably not be a disqualifying factor.

Other Points You May Want to Cover:

- Make a careful evaluation of the frequency and severity of violations. Many persons are law-breakers in the strict sense of the term. Disregard of certain laws is sometimes overlooked because of the person's socio-economic status or because of sheer luck. Also, some violations are far more serious and more job related than others. Don't let a minor, non-job related offense unduly influence your decision.
- Consider the age of the applicant at the time of the illegal act. Impulsiveness, aggression and recklessness may be partly functions of age. An offense or two in someone's youth should not concern you as much as chronic or recurring violations by a mature individual.
- Consider the time that has elapsed since a conviction occurred. If a reasonable amount of time has elapsed since the conviction, with no recurring offenses, this may indicate a self-improvement effort on the part of the applicant.

- Consider the whole person – aptitudes, abilities, interests and educational level rather than simply one aspect of his or her personal history. The whole person comes to work to produce for an employer; one aspect of an applicant’s past may have no influence on his or her value as a permanent employee.

Sexual Preference

No federal law specifically prohibits discrimination on the basis of sexual preference (e.g., homosexuality). However, a refusal to hire on that basis alone could run afoul of state or local laws or give rise to a claim of violation of constitutional rights.

Educational Background

It has generally been held discriminatory to require applicants to prove they have a high school diploma. While it may be desirable to have a work force comprised of high school graduates, it is difficult to maintain that it is necessary to have such a work force.

Of course, some jobs require specialized knowledge gained in most instances by those individuals who have obtained a specific college degree. Whether or not a college degree requirement is a job related is a question of fact to be decided on a case-by-case basis. You must carefully consider, however, whether individuals with certain kinds of practical experience can perform a job as well as an individual with a college degree before you impose a degree requirement.

Appearance and Grooming Requirements

An employer generally may require reasonable standards of dress and grooming where applied uniformly, as long as such standards, in the absence of a business necessity, do not have disproportionate impact on women and minorities.

Work Experience

While relevant work experience can be a valid job criterion, such may not be the lawful if minority applicants have historically been excluded from the only jobs where the required experience could have been obtained.

Credit Ratings

In general, any inquiries into an applicant’s financial status – past due loans, number of charge accounts, ownership of automobile, house, etc. – are unlawful unless proven to be job related.

Membership in Organizations, Religious Preferences, Name of Relatives

Such inquiries should be avoided, as they have historically been used as pretexts for discrimination.

Citizenship

While case law indicated that it is not a Title VII violation to refuse to hire an applicant because of lack of U.S. citizenship, employers cannot hire aliens of one nationality and deny similar opportunities to aliens of other nationalities. Such treatment would likely be viewed as illegal discrimination because of national origin.

Honorable Discharge from Service

Some case law indicates that because minorities are disproportionately dishonorably discharged from the armed services, it is illegal for an employer to prefer honorably discharged applicants unless it can be proven that the requirement has a strong relationship to successful performance of the job. Similarly, background investigations into an applicant's military discharge should be undertaken only when the information can be shown to be job related.

INTERVIEWING PROTECTED CLASS CANDIDATES

As already indicated, questions related to sex, age, color, race, religion, national origin or handicap are inappropriate when interviewing candidates for positions. Common sense, common courtesy and a professional approach are the cardinal rules for successful interviewing.

In order to ensure that you are conducting a nonbiased interview, remember to:

- Ask the same general questions and require the same standards for all applicants;
- Treat all applicants with fairness, equality and consistency;
- Follow a patterned, structured interview plan that will help achieve fairness in interviewing.

In other words, treat women, men and minority applicants in exactly the same way. Discriminatory behavior is improper, even when it is not intended. The appearance can be as important as the reality. The fact that you ask certain questions not related to the job would not necessarily show that you mean to discriminate, but such questions can be used, and have been used, in a discriminatory way.

The following suggestions may be helpful in assuring that no federal or state equal employment opportunity laws are violated in the interview.

1. Ask questions that are relevant to the job itself.

For instance improper significance may be assigned to questions regarding marriage plans. So do not inquire into:

- Marital status or nonmarital arrangements;
- What a spouse does, how much he/she earns, whether he/she is subject to transfer, how he/she feels about the applicant working or traveling;
- Whether he/she has children (or plans to), how many, and their ages;
- Arrangements for the care of the applicant's children.

You may cite the hours required by the job and ask if the applicant will have difficulty meeting them. If the applicant brings up any problem he/she may foresee in childcare, etc., then indicate what services are available.

2. Be careful not to draw assumptions about a woman's competence based on a soft voice, feminine appearance or attire.
3. Be professional and consistent in addressing men and women. If using first names, do so for all applicants. If not, then do not use a woman's first name and not the man's. In other words, in introducing a woman applicant, use Dr., Ms. or Mrs., etc., and the same for the person to whom she is being introduced. Do not say, "Mr. Powers, I'd like you to meet Mary Lou (candidate)."
4. Avoid flirting, patronizing or making sexual jokes during the interview. Behave in a completely businesslike, yet relaxed way.
5. Avoid bringing up stereotyped prejudices: women should not travel alone; they are too emotional; they are not aggressive enough. Do not tell negative stories about former women employees.
6. Don't go to the opposite extreme by boasting about your liberation, by pointing out how fair-minded you are, or by giving an "instant replay" of every female or minority success story you know.
7. In making a selection or recommendation, avoid making assumptions such as the following:
 - Supervisors or managers might prefer men or employees of certain ethnic/racial origins;
 - Clients might not want to deal with women or minorities;
 - Co-workers might object;
 - Women's work might lack credibility;
 - The job might involve travel, or travel with the opposite sex or members of certain ethnic/racial backgrounds that would disqualify the applicant;
 - The job might involve unusual working conditions that would disqualify the applicant.
8. Do not place undue emphasis on conditions of employment (such as travel, heavy lifting, long hours, etc.) in the applicant and getting him/her to withdraw from the competition. It is for the applicant, not the employer, to decide whether or not he/she wants the job based, of course, on a clear, honest explanation of what the conditions are.

9. If asked, give accurate information about the number of women or minority employees already on campus or in the department. Again, if an applicant asks, and if you do not have women or minorities in your department, then arrange for the person to meet other women or minority staff members. On the other hand, do not assume that this applicant will necessarily want to meet other women or minority employees.
10. If you are going to discuss the town or city, mention everything and do not try to overemphasize the town's aspects as a family place in which to live and bring up children. Mention the town's closeness to mountains, seacoast, urban areas or whatever is relevant. And remember, a single person may be interested in buying a house rather than just renting an apartment.
11. In general, avoid references to an applicant's personal happiness (i.e., social and/or sexual). Do not assume that your campus, town or city is not the place for a single person or for minorities.
12. Obviously, do not indicate that you are interested in hiring a woman or minority person as a statistic to improve your department's Affirmative Action/Equal Employment Opportunity profile. It is unlawful and an insult to apply different standards based on an applicant's sex or minority status.

What Not To Talk About

Question seeking the following information should not be asked of an applicant before he/she is hired:

1. Date of birth
2. Maiden name
3. Previous married name
4. Martial status
5. Name of spouse
6. Spouse's occupation and length of time on the job
7. Spouse's place of employment
8. Number of children and their ages
9. Arrest record
10. Convictions may be asked about, but you cannot refuse employment because they were convicted, unless it is a bona fide job qualification
11. If child care has been arranged for the children
12. Reasons that would prevent an applicant from maintaining employment
13. Ancestry
14. National origin (color)
15. Age
16. Sex
17. Religion
18. Affiliations with political parties or labor unions
19. Garnishment of wages

It should be kept in mind that much of the above is the type of information necessary for personnel records and employee benefit programs once the individual is employed. However, the information is obtained after employment, and therefore can have no bearing on the employment decision.

What you Can Talk About

There are so many things not to do or say – what can you talk about? You can and should discuss:

1. The duties and responsibilities of the job.
2. The organization's missions, programs and achievements.
3. Career possibilities and opportunities for growth, development and advancement.
4. Where the job is located, travel, mobility, equipment and facilities available.
5. The individual's qualifications, abilities, experience, education and interests.

SELECTING THE APPLICANT

The interview has been defined as “a dialogue initiated by one or more persons to gather information and evaluate the qualifications of an applicant for employment”.

If the interview is allowed to become aimless chit-chat, it can be very unreliable. The interview should be kept structured, standardized and focused on achieving a small number of goals. In other words, plan to obtain quantitative ratings on a small number of dimensions that are observable (e.g. interpersonal style, ability to express oneself).

Ask questions that force applicants to display the required knowledge or ability to execute behaviors required for the job. For example, the situational questions mentioned on page 13.

No Guarantee of 100% Success

A great interview does not guarantee that best possible candidate will be hired. Impressive biographical information and verbal skills may not translate into the best person being selected to successfully perform the job.

If this happens, you may want to explore the disparity between the interview and the new employee’s job performance. For example, you might want to reexamine your reasons for hiring that particular individual. Were you looking for the right clues? For example, did the applicant express both sufficient knowledge and interest to successfully perform the job?

Similarly, the employee may decide that the job is not what he or she expected or compatible with his or her goals.

In the event that this is the case, you should evaluate the reasons the employee gives for leaving. These reasons may provide important insight into the hiring process or reveal areas requiring improvement in the work area.

SUGGESTIONS ON HIRING PART TIME EMPLOYEES

Richard Scott, Ph.D.

In making any suggestions in hiring part time employees one problem becomes immediately obvious; the variety of part time jobs. The recruiter may be attempting to hire unskilled employees such as fast food workers, semi-skilled personnel such as bank tellers or part time professionals. This article will attempt to catalog several suggestions which would be general enough to fit into the selection process of any organization which recruits this category of applicant.

1. HAVE A MENTAL PICTURE OF THE "IDEAL" PART TIME EMPLOYEE

Almost all literature on hiring suggests to the interviewer that he/she should have a picture in mind of what the acceptable candidate would look like. This description gives the recruiter a frame of reference to compare with when interviewing a perspective applicant. The best approach to developing such a sketch is to identify a number of part time employees who would be considered successful and a comparable number who are not. What do the better ones have in common? One idea is to go to the completed application blanks and note how successful and unsuccessful people responded. For example the item ADDRESS could be analyzed as follows:

<u>Miles from work</u>	<u># Successful Employees</u>	<u>#Not Successful</u>
0-5 miles commute		
5-15		
15-25		

Or the item EDUCATION LEVEL:

<u>Education</u>	<u># Successful Employees</u>	<u>#Not Successful</u>
Non HS Graduate		
HS Graduate		
Some College		

It is often surprising at what can be identified in terms of differences if the items on the application blank are assessed in this fashion. A less scientific method would simply be saying to yourself what characteristics do my successful part timers have that most unsuccessful ones do not.

Once such a profile is developed it gives a mental form of reference for evaluating applicants and their responses.

2. DESIRE FOR PART TIME WORK

The author was at a conference discussing the part time employee and one area suggested on what to probe for was whether the applicant wanted to be a part time employee or if he/she really wanted to be a full time employee but because of circumstances was forced to take part time employment. For example, it is certain that some applicants applying for part time jobs would prefer full time work but because of families, a shortage of full time jobs or other factors cannot get this type of employment. On the other hand, there are many people in the labor market who only want and desire part time work and simply have no interest in a full time position. The advice is to probe for such information and for a part time job go with the applicant who says he/she is only looking for part time work.

3. ASK QUESTIONS ABOUT RELEVANT TRAITS

It has been this writer's experience that when part time workers fail it is often because of behavior which is not acceptable and not because of any inability to do the job. Three behaviors which would seem most desirable in a part time employee would be DEPENDABILITY, FLEXIBILITY and a GOOD ATTITUDE. Obviously, an employer of part time help needs someone who is going to at work when he/she is supposed to be, is up-beat in behavior and one who can often work on short notice or be available on hard to fill shifts. As the interviewer probe these areas with your questions. For those attending the EEO Workshop review the handout with the SUGGESTED QUESTIONS on it as this sheet will give you ideas about measuring dependability and attitude. In terms of flexibility pursue with the candidate the various circumstances when you might need him/her. Use hypothetical situations of what would be expected and ask for experiences he/she has which required this kind of flexibility. Will the applicant be honest in his/her responses to such probes? The author's answer is "nothing ventured nothing gained" as you are certainly better off attempting such evaluative questions than not asking and having to guess how flexible or dependable the person will be.

4. ASSESSING INTENT/SINCEREITY ABOUT THE JOB

It is hard to think of anything more frustrating than interviewing a candidate, offering a job and then not having the person show up the first day or quitting within the first week. How can you assess such intent? Two suggestions come to mind. First, do not make the offer of a job at the first interview; explain to the applicant that a follow-up visit to your organization is necessary where the job will be explained in more detail and he/she will be shown around. Often if the applicant is only luke warm about the job, making a return visit without the promise of a job will discourage him/her. If that approach does not seem feasible another possibility would be again postpone offering the job on the first visit and indicate that you want the candidate to think about what they have seen and heard and had to call you the next day if he/she is still interested.

The problem with either of these suggestions is that the interviewer can not get immediate closure if he/she has the job filled and has to wait an extra day in a market

where part time help is hard to come by. One day, however, may be worth the wait if it does allow you to get a better index on the applicant that he/she is sincere about working for your company.

5. APPLICANT REFERENCES

When asking about prior jobs or schools identify a person who knows the applicant and who you can call to verify his experience (you want the name of a supervisor, principal or teacher; no personal references). Inquire from the applicant if he/she has any problem with you checking with the person(s) and asking about his/her work or school record. Most candidates will say yes to your request. At that point ask the applicant what kind of feedback this person will give. For example, if I call Jim Smith your last boss, "What will he say about you?" What about you teacher how will she describe you as a student? The author has had great success with this type of question. The rationale for this approach is that many applicants believe there will be a complete disclosure of their personnel files so that they might as well prepare you, particularly if they think you are going to hear negatives.

6. DESCRIBING/DEMONSTRATING NEGATIVES IN THE JOB

One topic that is a must for discussion with the part time applicant is the negatives in the job. Almost any part time job will have numerous disadvantages built into it, be they unusual hours, frequent changes in work location, availability on short notice or whatever. All such points should be discussed with the applicant and a verbal agreement obtained from the person that he is available and willing to accept such requirements. The author has found that a verbal agreement is a good idea, as some people just do not like to go back on their word once it has been given. The important principal is not to be discouraged if after having listed the negatives or having shown the person around he/she no longer indicates an interest, as it is probably an employee who would not have been contented with the conditions anyway.

It is the hope that some of the advice provided in the preceding pages will prove of value to you in selecting future part time help.